

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action mailed December 22, 2008, which has been reviewed and carefully considered.

Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-3, 5-11, 13-19 and 21-23 are pending in the application. Claims 1, 9, and 17 are independent claims.

In the Office Action, claims 1-3 and 5-8 are rejected under 35 U.S.C. §101. This rejection is traversed. However, without agreeing with the position forwarded in the Office Action and in the interest of advancing prosecution, independent claims 1, 9, and 17 are amended for better clarity. In particular claim 1 was amended to recite "processing an image taken by a camera of a handheld video phone system for playback on a display of at least one other handheld video phone system connected in a network, each handheld video phone system having an image processor" and further, "providing the image containing at least a portion of a head of a user of the video phone system to the image processor." No new matter is added. Independent claims 9 and 17 are similarly

amended. Claims 2-3 and 5-8 depend from the amended independent claim.

It is respectfully submitted that claims 1-3 and 5-8 fall within one of the four statutory categories of invention and are tied to a statutory category of invention. Accordingly, withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

In the Office Action, the specification is objected to and claims 9-11, 13-19 and 21-23 are rejected under 35 U.S.C. §112, second paragraph. The Office Action objects to use of the term "memory" in claims 9 and 17 and states that there is no antecedence basis for use of the term in the specification. This objection and rejection is traversed. Memory, as is well known, is an essential part of any processing performed by a computing device. As described at page 2, lines 13-23 the handheld video phone system of claims 9 and 17 is based on a known video phone systems, e.g., the T68i from Sony Ericsson Mobil Communications. It is well known that such systems include memory to hold information, such as music, pictures, and video. Additionally, the term "memory" was included in claims 9 and 17 at the time of filing of the application.

However, in the interest of advancing consideration and

allowance of the pending application, the specification is amended to include the subject matter of claim 9 as originally filed. Further, FIG. 2 is amended herein to reflect this change to the specification. As this subject matter was included in the application as filed, no new matter is added by this amendment to the specification and drawings.

Accordingly, it is respectfully requested that the objection to the specification and the rejection of claims 9-11, 13-19 and 21-23 under 35 U.S.C. §112, second paragraph, be withdrawn.

In the Office Action, claims 1-3, 5-11, 13-19 and 21-23 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,806,898 to Toyama ("Toyama") and U.S. Patent No. 6,707,933 to Mariani ("Mariani"), and further in view of U.S. Patent Publication No. 2002/0159627 to Schneiderman ("Schneiderman").

In Toyama, as illustrated in FIG. 2, first and second participants 210, 212 stare at respective displays 240, 242 (not at the cameras 222, 224) to see the other participant. As a result, their eye-gaze is diverted, i.e., they do not see eye to eye. Toyama, as stated in its Abstract, describes adjusting gaze and head pose in a videoconferencing environment. Head-pose orientation and eye-gaze direction are corrected so that a

participant's image in the 3D space appears to be looking at the person they are looking at on the screen. If a participant is looking at the viewer, their gaze is set toward the "camera", which gives the perception of eye-contact.

Mariani is directed to estimating face direction from a single image. Schneiderman is directed to finding 3D objects in 2D images.

Independent claims 1, 9, and 17 are amended to clarify that the recited video phone system refers to an integrated handheld device, "wherein the camera and the display of the handheld video phone system are integrated into a single unit" as described at page 2, lines 13-23 of the specification. As illustrated in Figure 1, in Toyama the user faces a standalone camera (222, 224, 226) that is affixed on top of a standalone monitor display (230, 232, 234) and the processing is performed by a standalone processor 260. Contrary to Toyama, the independent claims of the present application are directed to "processing an image taken by a camera of a handheld video phone system for playback on a display of at least one other handheld video phone system" as recited in claim 1. It is thus inherent that the user of the handheld video phone system does not face the camera, but rather the camera is directed

to the side of the user's head. Thus instead of providing full frontal facial features as in Toyama and Mariani, claim 1 recites "providing the image containing at least a portion of a head of a user of the video phone system to the image processor" as recited in claim 1.

Thus, it is respectfully submitted that Toyama, Mariani, and Schneiderman do not teach, disclose, or suggest the recitations of independent claim 1 and of the similarly recited independent claims 9 and 17.

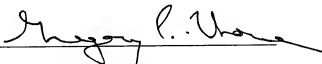
Accordingly, it is respectfully submitted that independent claims 1, 9, and 17 are allowable, and allowance is thereof respectfully requested. In addition, it is respectfully submitted that claims 2-3, 5-8, 10-11, 13-16, 18-19, and 21-23 should also be allowed at least based on their dependence from the independent claims.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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Enclosure: Replacement drawing sheet (1 sheet including FIG. 2)

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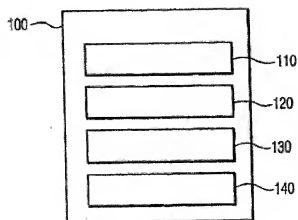


FIG. 1

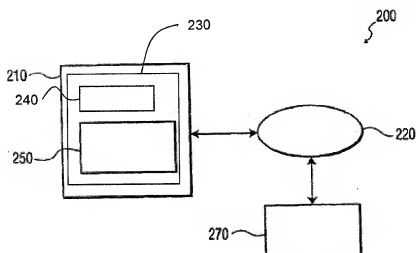


FIG. 2